

USSN: 09/757,175
Attorney Docket: 10234/2

Applicants elect Group I, claims 1-26 and 28-38, drawn to a multi-layered colored thermoplastic film, with traverse. Applicants respectfully submit that a search for claims 1-38, particularly including Group II, claim 27, drawn to a method of producing a multi-layered colored thermoplastic film, would not be an undue burden on the Examiner. Therefore, Applicants request the Examiner's reconsideration under 37 CFR § 1.143.

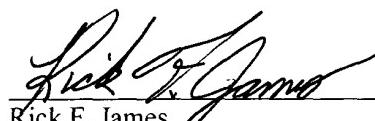
In the event that the Examiner is not persuaded to withdraw the restriction requirement between Groups I and II, Applicants respectfully remind the Examiner that where an applicant elects claims directed to a product, and a product claim is subsequently found allowable, withdrawn method claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined (*see*, MPEP §821.04). In the present case, method claim 27 includes each and every limitation of product claim 1. Therefore, Applicants respectfully request the rejoinder of claim 27 should the Examiner deem claim 1 to be allowable.

In addition to electing Group I, Applicants elect species 1, *i.e.*, a polymeric film comprising a first skin layer comprising a coloring agent, for initial prosecution on the merits. Claims 1-7, 28-36 and 38 are readable upon Species 1.

Claim 38 is a Markush-type claim, and is generic to species 1 and 2. A Markush-type claim can include independent and distinct inventions (*see*, MPEP §803.02). Following election, a Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability.

Applicants invite the Examiner to telephone the undersigned Agent if there are any matters or issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,


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Date: December 6, 2002

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 38 is added as a new claim.